



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2356

Introduced 2/16/2005, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

750 ILCS 60/201.5 new

Amends the Illinois Domestic Violence Act of 1986. Provides that the presiding judge of the circuit court, during the hours that the courts are closed, shall make available on a rotating basis a judge who shall issue emergency orders of protection by telephone. Provides a list of what may be included in an emergency order of protection. Provides that an emergency order of protection expires one week from the day of issue unless otherwise continued by the court. Provides that a judge may issue an oral emergency order of protection upon request of the alleged victim, if there is a finding that a person's life or health is in imminent danger.

LRB094 07655 LCB 37828 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning domestic violence.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Domestic Violence Act of 1986 is
5 amended by adding Section 201.5 as follows:

6 (750 ILCS 60/201.5 new)

7 Sec. 201.5. Emergency orders of protection; release
8 orders.

9 (a) The presiding judge of the circuit court, during the
10 hours that the courts are closed, shall make available on a
11 rotating basis a judge who shall issue emergency orders of
12 protection by telephone.

13 (b) The judge who is authorized to issue emergency orders
14 of protection may issue a written or oral ex parte emergency
15 order of protection if a police officer or peace officer states
16 that the officer has reasonable grounds to believe that a
17 person is in immediate and present danger of domestic violence
18 based on an allegation of a recent incident of actual domestic
19 violence.

20 (c) An emergency order of protection may include any of the
21 following:

22 (1) The defendant may be enjoined from committing a
23 violation of one or more of the offenses included in
24 domestic violence.

25 (2) One party may be granted the use and exclusive
26 possession of the parties' residence on a showing that
27 there is reasonable cause to believe that physical harm may
28 otherwise result.

29 (3) The defendant may be restrained from contacting the
30 plaintiff, coming near the residence, place of employment
31 or school of the plaintiff, or other specifically
32 designated locations or persons on a showing that there is

1 reasonable cause to believe that physical harm may
2 otherwise result.

3 (4) If the court finds that the defendant may inflict
4 bodily injury or death on the plaintiff, the defendant may
5 be prohibited from possessing or purchasing a firearm for
6 the duration of the order.

7 (d) An emergency order of protection expires one week from
8 the day of issue unless otherwise continued by the court.

9 (e) A judge may issue an oral emergency order of protection
10 pursuant to subsection (b) of this Section upon request of the
11 alleged victim, if there is a finding that a person's life or
12 health is in imminent danger. If a person is either temporarily
13 or permanently unable to request an order, a third party may
14 request an order of protection on behalf of the plaintiff.
15 After the request, the judicial officer shall determine if the
16 third party is an appropriate requesting party for the
17 plaintiff. The police officer or peace officer who receives the
18 verbal order shall write and sign the order. The emergency
19 order shall be served on the respondent, and a copy shall be
20 given to the protected party. The emergency order shall be
21 filed as soon as practicable after its issuance. The officer
22 shall file a certificate of service with the court and shall
23 verbally notify the sheriff's office that the emergency order
24 of protection has been issued. If a person who is named in the
25 order and who has not received personal service of the order
26 but has received actual notice of the existence and substance
27 of the order commits an act that violates the order, the person
28 is subject to any penalty for the violation.

29 (f) The availability of an emergency order of protection is
30 not affected by either party leaving the residence.

31 (g) A law enforcement agency that has jurisdiction to
32 enforce an emergency order of protection shall enforce the
33 emergency order when it has reasonable cause to believe that
34 the order has been violated.

35 (h) In cases where the defendant is arrested for an act of
36 domestic violence, the court, within 24 hours after the arrest,

1 shall register a certified copy of the release order with the
2 sheriff's office of the county in which the order was issued.
3 The court shall notify the sheriff's office of material changes
4 in the release order, if the conditions of the release order
5 are no longer in effect and when the charges are resolved. The
6 sheriff in each county shall maintain a central repository for
7 release orders so that the existence and validity of the orders
8 can be easily verified. The law enforcement agency shall advise
9 domestic violence victims where the victim may verify the
10 registration and conditions of a release order.